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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: Manojit Sarkar

Title: SYSTEM AND METHOD FOR MANAGING ROUTER METADATA

Attorney Docket No.: 1384.011US1

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**PATENT APPLICATION TRANSMITTAL**

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Return postcard.  
 Utility Patent Application under 37 CFR § 1.53(b) comprising:  
 Specification ( 23 pgs, including claims numbered 1 through 2 and a 1 page Abstract).  
 Formal Drawing(s) ( 1 sheets).  
 Unsigned Combined Declaration and Power of Attorney ( 3 pgs).

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## SYSTEM AND METHOD FOR MANAGING ROUTER METADATA

### Field

The present invention relates generally to computer network routers, and more  
5 particularly to systems and methods of managing metadata for such routers.

### Related Files

This application is related to the following cofiled, copending and coassigned  
applications:

10 "SYSTEM AND METHOD FOR MANAGING AND PROVISIONING VIRTUAL  
ROUTERS", serial number \_\_\_\_\_, <Attorney Docket 1384.009>,  
and to two provisional applications each titled "SYSTEMS AND METHOD FOR  
DELIVERING INTERNETWORKING SERVICES" <Attorney Dockets 1384.012PRV AND  
1384.013PRV>;  
15 all of which are hereby incorporated herein by reference for all purposes.

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### Background

The interest in the deployment of routers and virtual private networks (VPNs) across  
IP backbone facilities is growing every-day. Typically, routers and service processing  
switches include many network components (NCs). The software that deals with these  
components typically requires data that describes the component and the configuration of

components within the system. In previous systems, this data has been either hard coded into the software or class definitions associated with the software, or it has been provided in an Interface Definition Language (IDL) that must be interpreted.

There are several problems with the techniques described above. First, if the data is hard coded into the software or the class definitions associated with the software, the software must be recompiled every time a change is made to the metadata. This can be problematic, because it is often necessary to support multiple versions of the software and hardware associated with the router or service processing switch. These multiple versions arise due to changes in product versions, changes in supported features, and changes in hardware versions.

5 10 In previous system, these changes require recompiling and rebuilding the software, or reinterpreting IDL to produce new source code that must be built into the system. Furthermore, because the source code changes, it is necessary to retest the software that uses the metadata.

15 As a result, there is a need in the art for the present invention.

### Summary

The above-mentioned shortcomings, disadvantages and problems are addressed by the present invention, which will be understood by reading and studying the following specification.

20 25 In one embodiment of the invention, a computerized method for managing router metadata performs the following tasks. A metadata file is created which is an ASCII representation of objects in a router. The router metadata is read by an application such a service management system application. The metadata is converted into a runtime object model. In one embodiment, the objects in the runtime object model are loaded onto a router or a service processing switch using SNMP functions. The objects are then inserted into the SNMP MIB.

The present invention describes systems, clients, servers, methods, and computer-readable media of varying scope. In addition to the aspects and advantages of the present invention described in this summary, further aspects and advantages of the invention will

become apparent by reference to the drawings and by reading the detailed description that follows.

### **Brief Description Of The Drawings**

5 FIG. 1 is a block diagram of the hardware and operating environment in which different embodiments of the invention can be practiced;

### **Detailed Description**

10 In the following detailed description of exemplary embodiments of the invention, reference is made to the accompanying drawings which form a part hereof, and in which is shown by way of illustration specific exemplary embodiments in which the invention may be practiced. These embodiments are described in sufficient detail to enable those skilled in the art to practice the invention, and it is to be understood that other embodiments may be utilized  
15 and that logical, mechanical, electrical and other changes may be made without departing from the scope of the present invention. The following detailed description is, therefore, not to be taken in a limiting sense.

20 In the Figures, the same reference number is used throughout to refer to an identical component which appears in multiple Figures. Signals and connections may be referred to by the same reference number or label, and the actual meaning will be clear from its use in the context of the description.

25 The detailed description is divided into multiple sections. In the first section the hardware and operating environment of different embodiments of the invention is described. In the second section, the software environment of varying embodiments of the invention is described. In the final section, a conclusion is provided.

#### **Hardware and Operating Environment**

FIG. 1 is a diagram of the hardware and operating environment in conjunction with

which embodiments of the invention may be practiced. The description of FIG. 1 is intended to provide a brief, general description of suitable computer routing hardware and a suitable computing environment in conjunction with which the invention may be implemented.

Although not required, the invention is described in the general context of computer-executable instructions, such as program modules, being executed by a computer, such as a personal computer or a server computer. Generally, program modules include routines, programs, objects, components, data structures, etc., that perform particular tasks or implement particular abstract data types.

As shown in FIG. 1, the system 100 includes a service processing switch 110, access routers 104, service management system 118, and customer network management system 106.

In some embodiments, service processing switch 110 provides switching, routing and computing resources that can be allocated by a service provider to customers. In one embodiment, the service processing switch 110 is the IPSX 9000 service processing switch from CoSine Communications, Inc. However, the invention is not limited to any particular switch, router or service processing hardware.

Service processing switch can contain one or more blades 112. In some embodiments of the invention, blades 112 have a type associated with them. Examples of blade types include, processing functions such as network blades, control blades, trunk blades, and processor blades. Network blades provide interfaces to different types of networks. Control blades provide system management and accounting functions to the service processing system 110. Trunk blades provide access to high speed trunk networks. Processor blades provide general purpose computer processors that in some embodiments of the invention provide firewall, intrusion detection, or directory services. Blades are communicably coupled to one another, in one embodiment a packet ring is used to couple the blades.

In some embodiments, each of blades 112 includes one or more processing elements 114. Processing elements 114 include CPU and memory that provide computing resources for the blade. The invention is not limited to any particular number of processing elements on a blade, nor is the invention limited to any particular number of blades in a service processing switch 110.

Service processing system 110 is typically communicably coupled to a network 116, for example the Internet. Network 116 can also be a Wide Area Network (WAN), a Local Area Network (LAN), or a private network.

Service processing system 110 is also typically communicably coupled to a plurality of customer networks 102 via customer access routers 104.

Service management system 118 is communicably coupled to service processing system 110, and hosts software that is used to configure and control the operation of service processing switch 110. In one embodiment of the invention, the service management system is a SPARC system available from Sun Microsystems, Inc. running the InVision product from CoSine Communications, Inc. Service management system 118 can be used to define and allocate resources within service processing switch 110 to various customers. In some embodiments, the Simple Network Management Protocol (SNMP) is used to communicate with the service processing system.

Service management system 118 accesses router metadata (also referred to as meta information) file 122, which provides descriptions of objects and relationships between objects that represent components of service processing switch 110. In one embodiment, the router metadata files contain NC (Network Component) class descriptions having the following form:

```
class <class_name>
{
    <field_name> = <field_value>;
    <field>
    <field_name> = { <field_value1>, <field_value2>, ... }

    <attribute>
    <attribute>

    <attribute>
    <attribute>
    <attribute>

    <attribute_group>
    <attribute_group>
}
```

In one embodiment of the invention, the following fields are included:

```
5      mainMibTable
      rowStatusMibObj
      otherMibTables
      isSingle
      databaseTable
```

Those of skill in the art will appreciate that other fields can be included as desired.

10 Each <attribute> has the form:

```
attribute
{
15      name = <value>;
      type = Int (<min> ... <max>) |
              String (<size>) |
              DottedString (<maxsize>) (<dotcount>) |

20      {
              }
              type = Int (<min> .. <max>) | String | Float | DottedString | Enum {
      <stringvalue> (<intvalue>), ... };
              displayName = <quotedstring>;
25      mibAccessPolicy =

              cachingPolicy =
              databaseColumn =
              mibObj =
30      isMandatory =
              identifies
              dotCount=<value>;

              }

35
```

Each <identifies> is of the form:

```
identifies
{
40      relatedClass=
      relation=
      attributeName=
      alternateAttributeName=
      }
```

Each <attribute\_group> is of the form:

```
attributeGrp
5
{
    grpName=
    tblName=
    attributeNames= {<attribute_name> [, <attribute_name>, ...]}
}
```

10 A set of exemplary metadata files according to an embodiment of the invention is provided in Appendix A.

A set of API definitions for manipulating the metadata defined by the metadata is provided in Appendix B.

At runtime, service management system 118 reads one or more of the metadata files 15 122, and creates a hash table of attribute and attribute name value pairs. In one embodiment, concrete NC classes inherit all code from abstract base NC class, but if necessary, they can override some methods to implement NC class specific behavior.

In some embodiments of the invention, At runtime the service management system or other application desiring to read the metadata will be told of the location of the meta 20 information through environment variables as is known in the art. In one particular embodiment, the variables are the COSS\_METAINFO\_DIR and COSS\_METAINFO\_SUBSETS\_FILE environment variables or COSS configuration file entries.

The COSS\_METAINFO\_DIR specifies where to look for meta information files. The 25 COSS\_METAINFO\_SUBSETS\_FILE specifies which file defines meta information subsets. Meta information subsets are used to allow specific applications to load only specific subsets of meta information needed by that application.

Basically meta information is contained in a set of METAINFO\_FILES and COSS\_METAINFO\_SUBSETS\_FILE defines which files belong to which subset as follows:

```
30
#metainfo subsets file, comment line

subset config
{
```

```
        classes = { System, Blade, ... }
        files = { IpsxSystemMetainfo.txt, IpsxConfigMetainfo.txt, ... }
    }
    subset vpn
5    {
        # if classes are missing load all classes in files
        files = { IpsxSystemMetainfo.txt, IpsxVpnMetainfo.txt }
    }
10
```

Behaviors that can be implemented through the base NC class and inherited without any modification include:

- all SNMP communications for the NC class
- all database transactions for the NC class
- all application server and server communications for the NC class
- adding, removing relations between NC objects
- get, set attribute values
- create, delete NC objects
- printing

Furthermore, it is possible to implement NC specific behavior (business rules and logic), by overriding base NC class method or implementing new methods for each concrete NC class.

In some embodiments, the servers and clients that have access to the metadata files 122 can access meta information from the same source in order to avoid the problem of metadata being out of sync. It is desirable to keep the metadata in ASCII files further solve this problem. Also, maintaining the metadata files in a single known location is desirable, because it makes it simple to share as well as enter and edit meta information without access 30 conflict between developers.

In some embodiments of the invention, applications such as service management system 118 only loads the required subset of meta information for a specific application. For example an IPSec application would not necessarily need to load “configuration” meta information.

Furthermore, in some embodiments, the metadata can be loaded into a database 120. The database can be an Oracle database, however the invention is not limited to any particular type of database. In alternative embodiments, the database can be Informix, Sybase, SQL Server, or an object oriented database.

5 Those skilled in the art will appreciate that the invention may be practiced with other routing system hardware configurations besides those described above.

#### Methods For Managing Router Metadata

10 In the previous section, a system level overview of the operation of exemplary embodiments of the invention were described. In this section, the particular methods of the invention performed by an operating environment executing an exemplary embodiment are described. The methods to be performed by the operating environment constitute computer programs made up of computer-executable instructions. Describing the methods enables one skilled in the art to develop such programs including such instructions to carry out the methods on suitable computers (the processor of the computer executing the instructions from computer-readable media). The method described below are inclusive of the acts required to be taken by an operating environment executing an exemplary embodiment of the invention.

15 In a first method, an application, such as service management application 118 reads a runtime object model representing the configuration of the service processing switch or router. In one embodiment, the SNMP MIB data is read. The configuration as specified by the runtime object model is compared to the data in the metadata files 122. The differences are determined and the service processing switch is updated with the changes.

20 In a second method, an application, such as service management application 118 reads a runtime object model representing the configuration of the service processing switch or router. In one embodiment, the SNMP MIB data is read. The configuration as specified by the runtime object model is compared to the data in the metadata files 122. The differences are determined and the metadata files are updated to reflect the configuration changes made on the service processing switch. This allows the metadata to be updated with changes that

25

30

were applied (perhaps manually) after the metadata was originally loaded onto the service processing switch.

In a third method, the metadata files are reloaded onto the service processing switch.

In some embodiments, SNMP is used to perform the update. This allows the switch to be

5 restored to an original configuration.

10

15

### Conclusion

Systems and methods for managing router metadata is disclosed. The embodiments of the invention provide advantages over previous systems. For example, the embodiments of the invention “static” (as opposed to “dynamic” or “run time”) information about the router or service processing switch device’s objects (NC objects) as modeled by the system

20 management applications. Since this information is captured in one place (in ASCII files ) and not in multiple IDL, MOSU, C++ or Java classes, changing this information is easier. In addition, everyone desiring the metadata can stay in sync by referring to the same metadata file.

Furthermore, since information is captured in ASCII files (and not IDL, MOSU, C++ or Java code), when this information changes, no recompilation or rebuilding and most importantly retesting of libraries and executables are needed.

Additionally, new devices (MIBS) can be supported by writing ASCII files and with minimal or no code enhancements.

30 Since all NC objects are treated in a uniform way, it is possible to design one abstract base (one Java, one C++ and one MOSU) class that implements the common behavior of all concrete NC classes. Although specific embodiments have been illustrated and described

herein, it will be appreciated by those of ordinary skill in the art that any arrangement which is calculated to achieve the same purpose may be substituted for the specific embodiments shown. This application is intended to cover any adaptations or variations of the present invention.

5 The terminology used in this application is meant to include all of these environments. It is to be understood that the above description is intended to be illustrative, and not restrictive. Many other embodiments will be apparent to those of skill in the art upon reviewing the above description. Therefore, it is manifestly intended that this invention be limited only by the following claims and equivalents thereof.

## Appendix A

```
# this is a comment line
# IpsxSystemMetainfo.txt

class System                                # the rest of the line is comment line
5   {
      isSingle = true;                      # there is only one System object for an IPSX device

      attribute                                # this is the attribute's display name
      {
10        name = 0;
        type = String;
        displayName = "name";
        mibObj = sysName;
        mibAccessPolicy = RW_ACCESS;          # this is the default
15        cachingPolicy = CACHE_PERSISTENTLY; # this is the default
        defaultValue = "DEFVAL"; # specifiy default value only if it exists
        isMandatory = false;
      }
20    }
```

```
#next file starts here
# file name IpsxConfigMetainfo.txt

class Blade
5  {
    isSingle = false;                      # this is default, so it can be, but need not be specifi
    mainMibTable = csOrionEnginetable;      # this must be specified for non-singleton NCs
    ...
}
10
class Engine
{
    mainMibTable = csOrionEnginetable;
    ...
15
}

class Ds3Port
{
    ...
20
}

class Ds1Port
{
    ...
25
}

class FrCircuit
{
    mainMibTable = csFrCircuitTable;
    rowStausMibObj = csFrCircuitRowStatus;
    attribute
    {
        name = 2;
        type = Int;
        displayName = "circuit index";
        mibObj = csFrCircuitIndex;
        isMandatory = true;
        mibAccessPolicy = NO_ACCESS;
        cachingPolicy = CACHE_PERSISTENTLY;
35
40
    identifies
    {
        relClass = FrCircuit;
    }
}
```

```
    }
}

5   attribute
{
    name = 9;
    type = Enum { up (1), down (2) }
    displayName = "state";
}

10 }
```

```
# this is a comment line
# file IpsxVpnMetainfo.txt

class Vpn
5  {
...
}

class Vr
10 {
...
}

class Vi
15 {
...
    mainMibTable = csOrionVIfaceTable;
    rowStatusMibObj = csOrionVIRowStatus;
    otherMibTables = { ... }

20    attribute
    {
        name = vpnIndex;
        type = Int;
        displayName = "VPN index";
        ...
    }

25    identifies
    {
        relatedClass = Vi;
    }

30    identifies
    {
        relatedClass = Vr;
        attributeName= ...
        relation = IS_CONTAINED_BY; # mandatory if relClass is not self
    }

35    identifies
    {
        relClass = Vpn;
        relation = IS_ASSOCIATED_WITH; # use this for indirect relations
        attributeName = ...
    }
}
```

```

        alternateAttributeName = 1;
    }

5
    attribute
    {
        name = vrIndex;
        type = DottedString;
10
        dotCount = 3;
        displayName = "VR index";
        ...
    }

15    attribute
    {
        ...
    }

20    attribute
    {
        name = ...
        displayName = "InOctets";
        ...
    }

25    attribute
    {
        name = ...
        displayName = "InUcastPkts";
        ...
    }

30    attribute
    {
        name = ...
        displayName = "InNUcast";
        ...
    }

35    attribute
    {
        name = ...
        displayName = "InNUcast";
        ...
    }

40        attributeGroup
    {
        groupName = ViStats;
        tableName = csOrionViStatsTable;
    }

```

```
        attributeNames = { vrIndex, ... }
```

## Appendix B

```
class MetainfoStore
{
5     private:
        MetainfoStore() {};

    public:
        static void Init (const char * metainfoSubsetName);
10       static NcMetainfo * GetNcMetainfo (NcType ncType);
        static NcAttrMetainfo * GetAttrMetainfo (NcAttrName, NcType);
        static NcAttrMetainfo * GetAttrMetainfo (const char * attrName, NcType);
        static NcAttrGrpMetainfo * GetAttrGrpMetainfo (const char * grpName, NcType
ncType);
15   }

class NcMetainfo
{
20     public:
        boolean IsSingleton();

        char * GetMainMibTable ();
        char * GetRowStatusMibObj ();
25       void GetOtherMibTables (VoidPtrList * tableNames);

        NcAttrMetainfo * GetAttrMetainfoByName (const char * attrName);
        NcAttrMetainfo * GetAttrMetainfoByMibObj (const char * mibObj);

30       NcAttrGrpMetainfo * GetAttrMetainfoByName (const char * grpName);

        void GetIdAttrMetainfos (VoidPtrList & idAttrMetainfos, NcType
relatedNcType = SELF);
        void GetNonIdAttrMetainfos (VoidPtrList & idAttrMetainfos, NcType
35   relatedNcType = SELF);

        void GetAttrMetainfosByNames (StrHashtable & attrNames, VoidPtrList &
attrMetainfos);

40       void GetRelatedNcMetainfos
        (
            VoidPtrList & attrMetainfos,
            NcRelationType = UNKNOWN_RELATION,
            relatedNcType = UNKNOWN_NC_TYPE
```

```

    );
}

class NcIdRole
5  {
    public:
        NcRelationType GetRelationType ();
        NcType GetRelatedNcType ();
        NcAttrName GetNameInRelatedNc ();
10   NcAttrName GetAlternateAttributeName ();
    }

class NcAttrMetainfo
{
15   public:
        NcAttrType GetType() const;
        char * GetName() const;
        int GetName() const;
        char * GetMibObjName () const;
20        AccessPolict GetMibAccessPolicy();
        CachingPolicy GetAchingPolicy();
        char * GetDefaultValue();
        void GetIdRoles (VoidPtrList & idRoles);
        void GetDotCount () const;
25   }

class NcAttrGrpMetainfo
{
30   public:
        char * GetGrpName ();
        char * GetMibTable();
        void GetAllAttrMetainfos (VoidPtrList & attrMetainfos);
        void GetAttrMetainfos (VoidPtrList & attrMetainfos, const StrHashtable &
35 attrNames);
        NcAttrMetainfo * GetAttrMetainfo (NcAttrName& attrName);
    }
}

```

What is claimed is:

1. A computerized method for managing router metadata, the method comprising:
  - creating a metadata file, said metadata file defining objects in a router;
  - reading the metadata file;
  - 5 converting the metadata file into an object model having at least one object; and
  - loading the objects onto the router.
2. The computerized method of claim 1, wherein loading the objects onto the router loads the objects into an SNMP (Simple Network Management Protocol) MIB (Management 10 Information Base).

### **Abstract of the Disclosure**

A computerized method for managing router metadata performs the following tasks. A metadata file is created which is an ASCII representation of objects in a router. The router metadata is read by an application such a service management system application. The 5 metadata is converted into a runtime object model. In one embodiment, the objects in the runtime object model are loaded onto a router or a service processing switch using SNMP functions. The objects are then inserted into the SNMP MIB.

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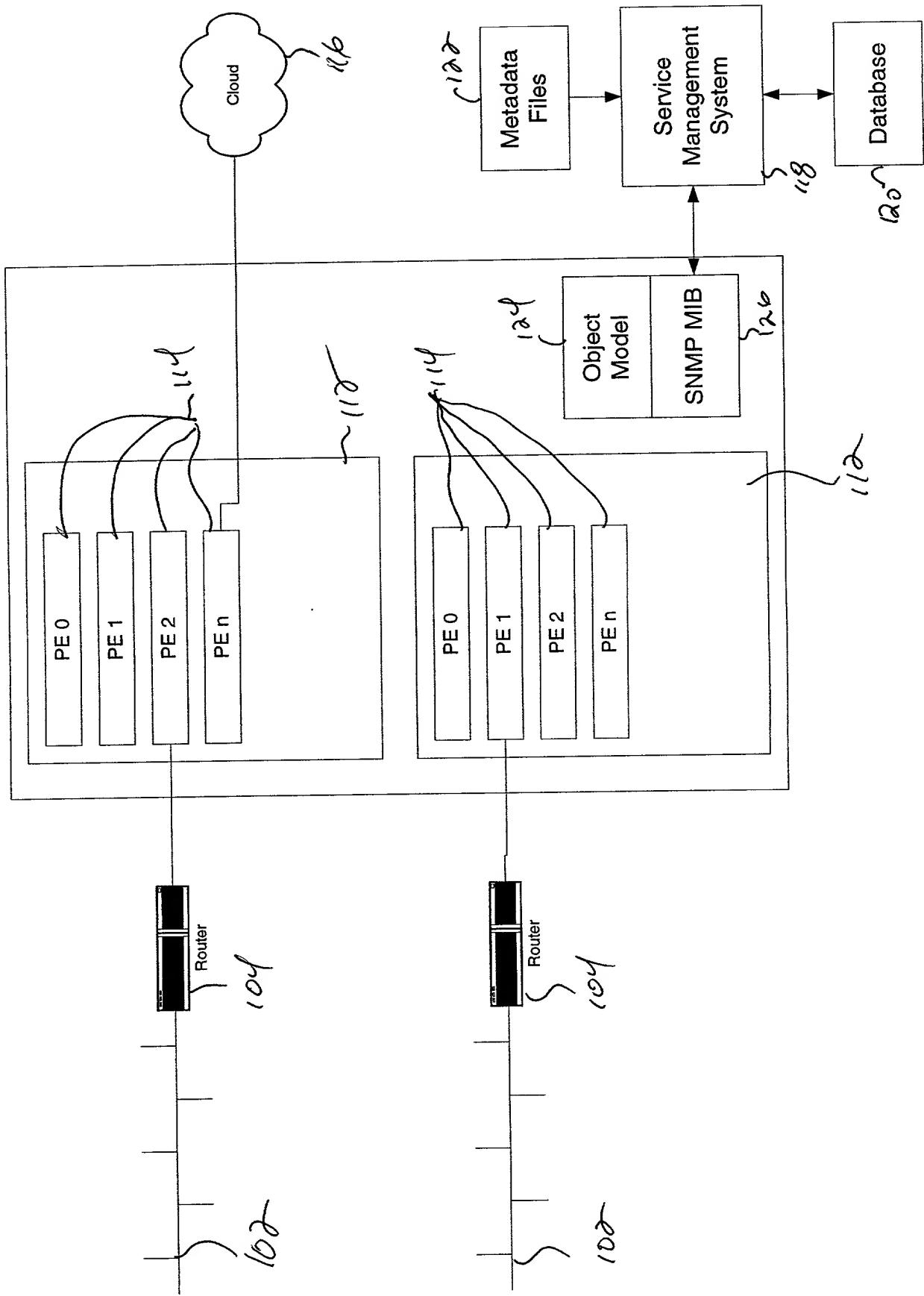


Fig. 1

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

## United States Patent Application

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEM AND METHOD FOR MANAGING ROUTER METADATA**.

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

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I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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Embreton, Janet E.	Reg. No. 39,665	Malen, Peter L.	Reg. No. 44,894	Steffey, Charles E.	Reg. No. 25,179
Fordenbacher, Paul J.	Reg. No. 42,546	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884
Forrest, Bradley A.	Reg. No. 30,837	McCrackin, Ann M.	Reg. No. 42,858	Tong, Viet V.	Reg. No. 45,416
Gamon, Owen J.	Reg. No. 36,143	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Harris, Robert J.	Reg. No. 37,346	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

**P.O. Box 2938, Minneapolis, MN 55402**

**Telephone No. (612)373-6900**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole inventor : **Manojit Sarkar**  
Citizenship: **United States of America** Residence: **Redwood City, CA**  
Post Office Address: **3200 Bridge Parkway  
Redwood City, CA 94065**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Manojit Sarkar

Full Name of inventor: \_\_\_\_\_ Residence: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.